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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/688,754 | 10/17/2003 | Stephen John Howell | 130559 | 1975 |

7590 06/07/2007
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| EXAMINER |
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CASAREGOLA, LOUIS J

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| ART UNIT | PAPER NUMBER |
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3746

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06/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/688,754

Applicant(s)

HOWELL ET AL.

Examiner

Louis J. Casaregola

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 8-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

Election

Applicants' election of the invention of Group II, claims 8-19, is acknowledged. The election was made with traverse. Applicants' arguments have been considered but are not however effective in demonstrating that the restriction requirement in this case is improper.

Applicants argue the inventions of Groups I and II are related and that the search and examination of either group would be relevant to the other. This point is disputed. The search for the non-elected method claims in Group I is not in fact part of the required examination search for the elected apparatus claims in Group II. Furthermore, it is pointed out that, contrary to what applicants suggest, the examination burden is not limited exclusively to a prior art search but also includes the effort required to apply the art by making and discussing all appropriate grounds of rejection. Multiple inventions, such as those in the present application, normally require additional reference material and further discussion for each additional invention examined. Concurrent examination of multiple inventions would thus typically involve a significant burden even if all searches were coextensive.

For the reasons pointed out above, the restriction requirement is considered proper and is consequently made final. An action on the merits of elected claims 8-19 is presented below, and non-elected claims 1-7 are withdrawn from further consideration.

Objections To Claims

Claims 14-19 are objected to under 37 CFR 1.75(a) for the following reasons:

In claim 14 and related dependent claims 15-19, "said swirler assembly" (claim 14, line 6) lacks proper antecedent basis. Note that the cited expression also appears in claim 17, line 3, and claim 19, lines 1-2.

Claim Rejections - 35 USC 112

Claims 8-19 are rejected under 35 USC 112, first and second paragraphs, as the claimed invention is not described in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the same, and/or for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claims 8 and 14, along with related dependent claims 9-13 and 15-19, describe a swirler assembly as "welded to said dome plate" (claim 8, lines 6-7, and claim 14, line 6). It is not clear how this limitation corresponds to the disclosed embodiment of the invention. As best shown by Figure 3, swirler assembly 74 is separated from dome plate 72 by other components (elements 76, 120, etc.), and there consequently appears to be no point of contact that would permit a weld between the swirler assembly and

domeplate. Either the invention has not been fully and properly disclosed so as to be enabling for all claimed features (§ 112, first paragraph), or the present claims include a significant error and do not accurately recite the subject matter which applicants regard as the invention (§ 112, second paragraph).

Claim Rejections - 35 USC 102

Claims 8, 9, 12-15, 18 and 19 are rejected under 35 USC 102(b) as being anticipated by Howell et al '739.

To the extent that the present claims are accurate, all features of the claimed combustor dome apparatus appear to be present in prior art dome structure of the type disclosed by Howell. Attention is called to the combustor dome shown in Howell's Figure 2; note swirler assembly 24, domeplate 21, and sealplate 98 welded to the domeplate at 115. Note also that the sealplate comprises integral body and overhang portions arranged to form a gap (flanked by faces 82 and 84) between the overhang portion and domeplate.

With regard to claims 9 and 15, attention is called to chamfered edge 139 on the opening in Howell's domeplate.

With respect to claims 12 and 18, attention is further called to baffle 106 brazed/welded to Howell's sealplate at 136.

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As concerns claims 13 and 19, it is additionally pointed out that Howell's swirler assembly comprises primary swirler 62 and secondary swirler 60.

Additional References

Howell et al '637 and '273 are cited as disclosing further pertinent examples of prior art combustor dome apparatus.



L. J. Casaregola
571-272-4826 (M-F; 7:30-4:00)
571-273-8300 FAX
June 4, 2007

If repeated attempts to reach the examiner by telephone are unsuccessful, the art unit supervisor, Anthony Stashick, can be reached at 571-272-4561.

Information regarding the status of this application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR, and status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).